

[Recent Reports](#)[Support HRW](#)[About HRW](#)[Site Map](#)

August 1995

Vol. 7, No. 12

# **VIETNAM**

## **HUMAN RIGHTS IN A SEASON OF TRANSITION:**

### **Law and Dissent in the Socialist Republic of Vietnam**

#### **INTRODUCTION**

Vietnam has entered an era of rapid economic and social transformation, heralded by the opening of its economy, its entry into ASEAN and the resumption of diplomatic relations with the United States. At the same time, the government and the Vietnam Communist Party have sought to maintain a firm grip on political control. This stance has produced a steady stream of dissent in recent years, to which the government has responded harshly. Those who have publicly questioned the authority of the Party have been detained and imprisoned, be they proponents of multi-party democracy, advocates of civil and political rights, or religious leaders seeking greater autonomy from official control. Without taking a position as to the merits of these views, Human Rights Watch maintains that individuals have the right to peacefully express them under international human rights law, including the International Covenant on Civil and Political Rights to which Vietnam is a signatory.

This report does not attempt to cover human rights conditions in Vietnam comprehensively, but rather focuses on several critical areas of concern: the legal system as it affects human rights and the continuing problem of detention for political or religious dissent. While the government of Vietnam has shown energy in instituting legal reform, its legal system remains politicized, and it has had difficulty in implementing new laws in such a way as to fortify basic civil and political rights. The phenomenon of dissent is unlikely to abate soon and the government's efforts to repress such dissent have led to serious human rights abuses. Contrary to the predictions of those who justify repression in the name of stability, official intolerance might also provoke yet further criticism and resentment of the government and ultimately sap Vietnam's ability to meet the new problems further economic development will bring. The government's response to both challenges-the institution of the rule of law and the tolerance of peaceful public dissent-will have profound implications for its development, for its foreign relations and for foreign investors and donors.

The government of Vietnam has announced there will be a large-scale amnesty of prisoners to celebrate National Day on September 2, 1995. Human Rights Watch urges the government of Vietnam to take this occasion to fulfill its duty under the International Covenant on Civil and Political Rights by releasing all who are currently detained for the peaceful expression of their views and by ensuring the humane treatment of all legally detained persons, as elaborated in the United Nation's Standard Minimum Rules for the Treatment of Prisoners.

Human Rights Watch encourages the international community to support Vietnam's efforts to build its legal system and to urge Vietnam to bring its laws into conformity with international human rights standards. The Vietnamese

government should be encouraged to enlist international human rights and humanitarian bodies in these tasks and to admit outside observers to trials, prisons and jails. In particular, Vietnam's investors should themselves undertake to respect Vietnam's labor law and international labor standards, and should encourage the government to recognize key International Labor Organization conventions on the right of workers to freely associate and organize. Vietnam's trading partners should press for Vietnam to depoliticize its legal system and uphold the universal freedoms of speech, religion, assembly and association. Foreign aid donors and international financial institutions should call for greater transparency and accountability on the part of the Vietnamese government, taking into account factors such as the independence and impartiality of the legal system and the government's tolerance of free speech, independent associations, and a free press.

## OVERVIEW

The 1986 Sixth Party Congress planted seeds of change by adopting the policy of "renovation" (*doi moi*), which signaled the shift to a market economy and to a mood of greater political openness. Party Secretary Nguyen Van Linh, writing under a pen name, began urging intellectuals and journalists to play a more vocal role in criticizing social ills such as corruption. A new emphasis on legality emerged, with the Socialist Republic of Vietnam producing a new criminal code in 1986 and a criminal procedure law in 1989, a new constitution in 1992, and a law on prison reform in 1993, in addition to an investment code, a labor law, and most recently a civil code. In 1987 and 1988, thousands of persons detained without trial for "reeducation" were released. At present, virtually all such "reeducation" detainees who were held continuously since the 1975-1976 period without trial have been freed.<sup>1</sup> Over the same decade, however, a new set of political and religious prisoners entered the labor camp system.

Following the collapse of the Soviet Union and the Tiananmen massacre, Vietnam took a darker view of political change and opening. In 1989, the government issued Decree 135, which called for a hard line against both economic crimes and security offenses. A fresh wave of arrests of dissident intellectuals followed and continues.

Vietnam today presents a complex picture for civil and political rights. Although political and religious dissent are still severely punished through a legal system that is neither politically neutral nor technically adept, there have been areas of gradual improvement as well. Restrictions on everyday life for most citizens have eased noticeably as the market economy takes root. Travel within the country is easier. Surveillance by Vietnam's extensive network of monitors, from neighbors to plainclothes police, has become less intrusive in the lives of most people, although those whom the government regards as "reactionary" are still placed on tight watch. The regularly scheduled worship services of many major religions now proceed unhindered, although the government continues to exercise control over virtually all other aspects of religion, from ordination of clergy to approval of sermons. Even while Vietnam has become more prosperous generally, the actual effect of central political or economic policies varies enormously depending on the locality, making generalizations about overall human rights conditions difficult. Many areas remain desperately poor, and the social and political stigmatization of those who were perceived as disloyal to communism can persist.

The market economy has presented Vietnam with a new set of problems that have implications for basic civil and political rights. Corruption has flourished, and the Communist Party endorses press exposés of corruption on the part of cadres and officials. More sensitive topics, such as multi-party democracy or negative reporting on communist heroes, remain taboo. Censorship is enforced despite a lively black market in forbidden literature. Critical discussion of public policy has always been more possible within the private circle of various quasi-governmental front associations, and these traditional groups are being joined by many new associations that address social issues of the day, such as environment, health, prostitution, development and social work. Yet the government has also swiftly crushed associations it perceives as dangerous. One example is the Club of Former Resistance Fighters, a group of communist war veterans and others which began to criticize government policies and corruption in a voice like that of a loyal opposition. The government arrested its founder, Nguyen Ho, in 1990, and established an official, government-

controlled veterans organization in its stead. Labor disputes have multiplied along with foreign joint ventures, and wildcat strikes are often reported in the official press. The government has responded ambivalently, with a new labor law that legalizes strikes in certain circumstances, but that continues to recognize only one government-sponsored labor federation, to which all legal unions must belong. Unhindered public debate and the freedom to associate outside of official parameters will be crucial if Vietnam is to rise to meet the economic and social challenges posed by development. Many in the government, however, fear the potential of these rights to unleash demand for political change.

Vietnam's attitude towards foreign pressure on human rights is also ambivalent and complex. On the one hand, Vietnam took the welcome step in November 1994 of inviting the U.N. Working Group on Arbitrary Detention to examine prison conditions, although the government then condemned press reports that the visit was "investigative" in nature. Hanoi has also hosted delegations from Australia and the United States to discuss human rights issues in 1994. The government participates actively at the United Nations and has encouraged the study of international human rights standards in many ministries, in some cases sending officials abroad for in-depth training.

On the other hand, official newspapers regularly decry "peaceful evolution" and human rights as a capitalist ploy to undermine the government, condemnations which have grown in frequency and intensity over the last year. A July 1, 1995 editorial in the Army paper *Quan Doi Nhan Dan* is representative. Comparing a "rigid anticommunist attitude" to the "unrelaxed grip of orangutans," the essay catalogues recent worldwide protests concerning human rights abuses in Vietnam, including resolutions of the U.S. Congress and the European Parliament. It concludes:

Reality shows that in order to understand fully why these people have used the pretext of "human rights" and "democracy" to oppose Vietnam in such a feverish manner, one....must take into account the general situation from the time of the "Cold War" to the period when socialism collapsed in Eastern Europe and the former Soviet Union.(....) The capitalist camp regards democracy and human rights as the most important part of its struggle to cause internal instability, poor economic strength, social unrest, and political crisis to transform socialist states into capitalist countries. Looking back at history, we see that in Vietnam's case the United States and the West have always expressed "concern" for human rights.2

Like the rest of Vietnamese society, human rights conditions are in a state of flux and subject to the intense pressures of a transitional period. Those pressures, domestic and international, are likely to increase as economic development proceeds and Vietnam becomes more closely integrated with the world community. Some have predicted that these developments will ultimately lead to progress in human rights; but it is just as likely that the immediate effect will be a clamp-down on basic freedoms, as Vietnam tries to roughly duplicate a Chinese model. Although officials have often justified the need for repressive measures to ensure stability for economic development, it is clear that such abuses may also have a profoundly destabilizing effect, especially when public expectations are on the rise. The challenge for the Vietnam is to incorporate respect for civil and political rights as an integral part of its government and society rather than treating these rights as foreign demands to be resisted. The challenge for Vietnam's foreign partners is to persuade the government that this task is essential to development and cannot be delayed.

## THE LAW AND HUMAN RIGHTS

Since the prison camp releases of 1987 and 1988, Vietnam's greatest effort in the area of human rights has been to institute the "rule of law," primarily through intensive drafting efforts that are constructing a basic statutory framework. Although many of these laws contain substantive provisions that protect human rights, many also contain provisions that violate international legal standards on their face or through their application. One example is the criminal code, which on the one hand forbids punishment of people unless they are convicted of a statutory crime by a legal court and punishes abusive criminal investigations or prosecutions, and on the other hand penalizes acts such as

"anti-socialist propaganda." Provisions such as these leave enormous discretion in the hands of political and law enforcement authorities, as the code neither defines what is "anti-socialist," what is "propaganda," nor does it suggest how such a provision could be implemented consistently with Vietnam's duty under the International Covenant on Civil and Political Rights to uphold freedom of expression and the right to hold opinions.

Even where the laws are progressive, implementation remains problematic. The justice system in the Socialist Republic of Vietnam is institutionally weak, highly politicized, and frequently beset by corruption. The government is beginning to address some of these problems, actively seeking foreign assistance for training its personnel and foreign advice in drafting laws. Many judges and defenders have only rudimentary legal training, although the procuracy is better educated. A new generation of students is being sent out of the country for legal education, and foreign legal advisers are working with many government ministries. Nevertheless, better training is unlikely to have a deep impact on human rights until the Party disengages itself from directing the legal system. The intertwining of the political and legal systems is represented by the president of Vietnam's highest court, who by law is also a member of the Party's central committee. The Party's role is evident in political cases, where guilty verdicts and sentences appear to be pre-determined and announced almost immediately after trials that are sometimes heralded by elaborate denunciations of the defendants in the official press.

It is not realistic to expect that victims of political or religious suppression will be able to vindicate their rights through the courts at the present time. Professional defenders in Vietnam are generally limited to arguing mitigating circumstances for sentencing rather than innocence. This is particularly so in political trials, which is one reason several prominent political detainees have refused legal counsel in favor of speaking on their own behalf. Although some defendants have had foreign lawyers who wished to represent them, this has not been allowed by the Vietnamese government.

## **Criminal Law**

The 1985 Criminal Code was designed to be the first and exclusive legislative definition of crime for the entire country. Its centerpiece is Article 2, which provides that criminal liability applies only to crimes stipulated in the code, and that punishment for crimes may be imposed only by a court. This guarantee is repeated in slightly different form in the 1989 Criminal Procedure Code, Article 10, which provides that no one may be considered guilty or forced to undergo punishment without a court judgment that has taken legal effect. The 1992 Constitution is more explicit yet; Article 72 repeats that no one may be considered guilty and punished without a court verdict, and adds that those who are illegally arrested, detained, prosecuted and tried are entitled to material indemnity, and that those who illegally perform such acts should be "severely and justly dealt with."

Despite these guarantees, a parallel system of criminal punishment still flourishes under the rubric of administrative detention, as set forth in 1961 resolutions and circulars of the North Vietnamese government. Under these regulations, administrative detention for reeducation is a non-criminal punishment applicable to minor "counter revolutionaries" and "professional scoundrels." Mass organizations can assign up to a three-year term of administrative detention; it has been quite common in the past for such three-year terms to be renewed repeatedly, amounting to an indefinite prison term. The system is no doubt seen as useful by security officials though it is patently illegal under both Vietnamese and international law. A recent example of its application was the case of Do Ngoc Long, a business consultant who was arrested in 1990 for his association with an American accused of espionage, Michael Morrow. Long's trial was postponed several times while he was imprisoned, and he was ultimately assigned to an administrative detention camp, from which he was released in 1993.

The Criminal Code lists numerous "crimes against national security," some of which are plainly contrary to international law by their terms or so vaguely worded that they invite abusive application. For example, Article 82,

titled "the crime of anti-socialist propaganda," criminalizes the mere act of expressing a disfavored political opinion, (e.g. "psychological warfare arguments") or keeping or circulating material that does the same. Article 81, "the crime of undermining the policy of unity," criminalizes "causing divisions" between the people and the government, the military, between religious and non-religious people, between the religious and the government, etc. One national security offense that is regularly lodged against peaceful critics of the Party and government is Article 73, "the crime of taking actions to overthrow the people's government;" punishment for this offense can include the death penalty. Among the "actions" that have triggered prosecutions under this provision are issuing manifestos or newsletters promoting peaceful political reforms and respect for human rights.

The Criminal Procedure Code places limits on pre-trial detention, but it appears they can be indefinitely extended by the proper authorities in national security cases. The definition of who is permitted to defend those who stand accused of crimes is broad—a lawyer, a legal representative of the accused, or a people's defender—but in practice it appears that only a limited group of government defenders are allowed to represent people in political cases. Although Article 36.2 gives defenders the right to be present during all interrogations of the accused, it is not unusual in political cases for a detainee to meet the defender only a few days or a few hours before trial.

Trials in political cases have often been closed to the general public or unannounced. In a departure from its usual practice, the Vietnamese government allowed a U.S. diplomat to observe the trial on August 11 and 12, 1995, of nine men accused of "taking actions to overthrow the people's government" (see below, the "Movement to Unite the People and Build Democracy"). Two of the nine were U.S. citizens of Vietnamese descent.

### **Laws on Publishing and the Press**

The 1993 Publishing Law defines the aims of publishing both in terms of disseminating information and culture and "fighting against all ideas and actions which are detrimental to national interests and damaging to the fine characteristics, morality and lifestyle of the Vietnamese people."<sup>3</sup> Pre-publication censorship is authorized "in necessary circumstances decided by the Prime Minister" under Article 2. In practice, there is often no formal order banning or censoring works; authors are simply given to understand that their works will not be published, or can be published only if censored.

The law does not permit private ownership of publishing houses. Publishing operations must either belong to state agencies or to "social or political organizations."<sup>4</sup> Materials published in the north prior to 1945 or in the south prior to 1975 can be republished only with government permission. Article 22 "strictly prohibits" materials "detrimental" to the country and the "unity" of its people, "reactionary" and "decadent" works, and material "distorting history, rejecting revolutionary achievements, discrediting great Vietnamese men and national heroes."

The 1989 Law on the Press is in many respects similar. The press is defined in Article 1 as "the mouthpiece of various organizations of the Party, the State and social organizations and a forum of the people." There is no private ownership of the media. Directors and editors-in-chief must have the necessary "political, moral and journalistic standards," according to Article 13. Article 2 bans pre-publication censorship, and citizens have the right to comment, criticize and complain in the press about organizations of the Party and the state under Article 4.5. However, the press is forbidden to incite opposition to the state or to "undermine the national unity bloc" under Article 10.1. These restrictions were elaborated in a 1992 Council of Ministers decree (No. 133-HDBT). It provided in its Article 4 that the press may not publish material "harmful to the policy of all-people solidarity, which contributes to adverse public opinion," material that "interferes with the enforcement of current legal documents," or material that could "spread obsolete customs or superstitious practices."

### **Law on Imprisonment**

This law, passed in 1993, marks a step in bringing Vietnam's poor prison conditions up to minimum international standards. It prohibits explicitly "all forms of torture or insulting the reputation and dignity" for prisoners serving a term.<sup>5</sup> However, it does not address this issue for persons in pre-trial detention, the point at which abuse is most likely to occur. The separation of female and juvenile prisoners from male prisoners is stipulated.<sup>6</sup> Prisoners are "entitled to" disease-prevention protections, medical treatment and examinations.<sup>7</sup> They may "complain about or denounce any individual or organ" but must "take full responsibility for any false complaints or denunciations."<sup>8</sup> The law also requires prison officials to report formally deaths in custody to investigation units under the State Procuracy and medical authorities and have the report signed by a representative of other prisoners as a witness.<sup>9</sup> The impact of this law on actual prison conditions remains unclear. The Procuracy and the Interior Ministry are responsible for monitoring prison complaints, and the law does not provide penalties or procedures for addressing its violation. Vietnam does not permit regular monitoring of prisons or jails by outside groups or international humanitarian organizations, although it has permitted sporadic highly-supervised visits to such facilities by visiting diplomats and international delegations.

### Law on Religion

Vietnam does not embrace the concept of "freedom of religion" in its full sense, but rather guarantees "the freedom to believe or not to believe in a religious faith."<sup>10</sup> Although the constitution protects "worshiping places," it warns that "no one can violate the freedom of faith or exploit it in a way that is at variance with the law and state policies."<sup>11</sup>

Council of Ministers Decree 69/HDBT of 1991 reflects this basic approach. Article 5 explicitly prohibits "all activities, under the cloak of religion, which undermine the independence of the country and the Government of the Socialist Republic of Vietnam or cause damage to the integrity and unity of the people, or interfere with civil obligations." Freedom of belief is protected, as well as all "lawful and beneficial" religious activities, but the government is vested with absolute control. Article 8 provides that "all usual religious activities which are scheduled and registered do not require permission," but all other activities do. For example, permission is required for training seminars, meditation sessions, retreats, general meetings, conventions, major repairs, remodeling or construction of worshiping places, charitable activities, operation of religious schools, ordinations, promotions and transfers of clergy, operation of monasteries, and any international activities.

### Labor Law

Labor unrest is a growing problem in Vietnam, with twenty-seven strikes in non-state sector firms between 1991 and 1994 reported by the official Vietnamese news agency;<sup>12</sup> according to a high-level government official, some 11 percent of businesses that have attracted foreign investment had suffered labor unrest.<sup>13</sup> The main causes of disputes have been low wages, and in some cases, maltreatment of workers by foreign managers.

On June 23, 1994, the National Assembly ratified a new labor law intended to address these conflicts. The law sets minimum wages,<sup>14</sup> establishes safety and sanitary conditions, and recognizes for the first time the right of workers to strike. This right, however, may not be exercised until a union has submitted to a stipulated mediation process first. The right to strike is not recognized for enterprises that provide "public services" or those "essential to the national economy or national defense in accordance with a list to be provided by the government,"<sup>15</sup> nor is a strike legal if it "exceeds the scope of the enterprise,"<sup>16</sup> compromising the ability of workers to engage in sympathy strikes. The law also allows the prime minister to suspend strikes that are considered "detrimental to the national economy or to public safety."<sup>17</sup>

The new labor law stipulates that within six months of its coming into effect every business without a union must establish at least a temporary one.<sup>18</sup> Most joint ventures that have experienced wildcat strikes have not had formal unions. The labor law specifies that employers are bound to recognize unions that are set up in accordance with

Vietnam's trade union law, which recognizes only one official labor federation and requires all unions to be affiliated with it. The 1990 Trade Union Law defines a union as an organization of the working class "voluntarily established under the leadership of the Vietnam Communist Party" and requires all unions to inform relevant government organizations at the time of their formation to "establish official relations."<sup>19</sup> Vietnam has not ratified the International Labor Organization convention guaranteeing freedom of association and the right to organize freely, which these restrictions would violate.<sup>20</sup>

## DISSENT IN VIETNAM

Imprisonment for peaceful dissent remains one of the most serious continuing human rights violations in Vietnam. Yet despite the government's harsh line, there has been an extraordinary outpouring of criticism from within the Party's ranks and without, as the generation that survived the wars of liberation ages and looks critically at the society that resulted. The phenomenon of dissent is unlikely to abate as Vietnam undergoes profound economic and social change, making the need for the government to adopt a more tolerant attitude all the more urgent.

### August 1995 Trial of the "Movement to Unite the People and Build Democracy"

On August 11 and 12, 1995, a Ho Chi Minh City court convicted nine political activists of "taking actions to overthrow the people's government." The men, led by Nguyen Dinh Huy, were given sentences of between fifteen and four years for participating in the self-described "Movement to Unite the People and Build Democracy," a group that issued manifestos calling for gradual, peaceful political change. In November 1993, the group attempted to host an international conference on development and democracy at the Metropole Hotel in Ho Chi Minh City. This plan was swiftly crushed by the government, which arrested Nguyen Dinh Huy and other leaders and expelled an American lawyer, Stephen Young, who was helping the group to arrange the conference.

Nguyen Dinh Huy, an anti-communist intellectual who had spent seventeen years in "reeducation" after 1975, founded the movement only six months after his release in 1992. Before his arrest in November 1993, he told the *Far Eastern Economic Review* that his group ruled out the use of violence to achieve political pluralism. "We are trying to persuade the Vietnamese authorities to adopt democracy-to let the people decide what is best for the country through fair elections... We don't want to shoot anybody. It is no longer the time to fight each other because of ideological convictions."<sup>21</sup> A manifesto of the group issued on July 16, 1992 seems to bear out this position:

We recognize that with the collapse of communist ideology there should no longer be a divisive struggle among the people of Vietnam because of ideological convictions of right and wrong. It is therefore not necessary to wage war against each other anymore. Today's struggle should be a peaceful, political one between the better and the best for what is good for the people of Vietnam. In this struggle no one has the right to say he has the only solution. It will be better to let the people of Vietnam decide what is best through free elections.<sup>22</sup>

Those convicted were Nguyen Dinh Huy, the group's leader, sentenced to fifteen years of imprisonment; Pham Tuong, a deputy, sentenced to fourteen years; Nguyen Ngoc Tan, also known by the pen name Pham Thai, sentenced to eleven years; Dong Tuy, a teacher, sentenced to eleven years; Bui Kim Dinh, sentenced to twelve years; Nguyen Van Bien, sentenced to eight years; Nguyen Van Chau, sentenced to four years; and two U.S. citizens, Nguyen Tan Tri, sentenced to seven years, and Trung Quang Liem, sentenced to four years. A U.S. diplomat was permitted to observe the trial.

### June 1995 Crackdown on Communist Dissenters

In June 1995 the government moved to arrest several critics who came from within the upper echelons of the Party. Do Trung Hieu, formerly a cadre with responsibility for religious affairs in Ho Chi Minh City, wrote an essay describing

the Communist Party's efforts to dismantle the Unified Buddhist Church after the war. Police searched his house on June 13, confiscating two manuscripts, one on the activities of the Club of Former Resistance Fighters and another, believed to be an essay on national reconciliation by Nguyen Ho. He was taken into police custody on June 14 and is now believed to be held at an interrogation center in Hanoi. A founder of the "Club of Former Resistance Fighters" with the war veteran Nguyen Ho, Do Trung Hieu had previously been arrested and detained for several months in 1990 for his perceived association with an American businessman, Mike Morrow, who was expelled from Vietnam and accused in the official press of espionage. Do Trung Hieu was expelled from the Party in 1992.

Also detained on June 14, 1995 was Tran Ngoc Nghiem, known by his alias Hoang Minh Chinh. Hoang Minh Chinh, now seventy-five years old, is a veteran of the resistance war against the French who has held many distinguished positions in Hanoi, among them the leadership of the Youth Union and the Institute of Philosophy. He was twice arrested and detained in Party purges for supporting "revisionist" policies, from 1967 to 1972 and from 1981 to 1987. After his 1987 release, he repeatedly demanded that the Party review his case and clear his name, a demand that drew public support from other Party members. In some of his writings, he had also questioned the propriety of the constitutional provision that guarantees the Communist Party a leading role in Vietnam.

On the day of his arrest, the police searched his house for documents and presented an arrest warrant accusing him of "anti-socialist propaganda" under Article 82 of the Criminal Code. Vietnamese officials have confirmed that the cases of Do Trung Hieu and Hoang Minh Chinh are related, and that both men are under investigation. Hoang Minh Chinh's wife reports that her husband was arrested for having received a letter written by Hieu and addressed to the Party leadership. Hieu had apparently asked Chinh to forward the letter to his contacts in the Party hierarchy.<sup>23</sup> Unconfirmed sources report that Hoang Minh Chinh is at a police center in the Hanoi area under a four-month order of detention. Private attorneys in Hanoi have refused to represent him because the case is understood to be under the authority of the Central Committee of the Party.

A third, the communist war hero Nguyen Ho, was visited by police who attempted to take him into custody on June 23. Nguyen Ho had been detained twice previously, once for his role in leading the Club of Former Resistance Fighters and another time for circulating an autobiography that was harshly critical of abuses committed by the Party. In his most recent essay, titled "The Solution of Reconciliation and National Concord," he writes:

Following world trends, the Vietnam Communist Party has moved with unprecedented speed to reconcile and closely cooperate with former enemies of the people such as the imperialist Americans, the French, the Japanese, the South Koreans, ASEAN, and the Chinese. Why can't the Vietnam Communist Party reconcile with its own Vietnamese brothers whom it has oppressed and victimized? Are dollars the condition for reconciliation?...If that is the truth, then it is a great sadness and shame for the unfortunate people of Vietnam. However, I hope that is never the truth.<sup>24</sup>

He turned over copies of this essay to the police and informed the officers he would prefer to kill himself than be imprisoned again, at which point they left to consult their superiors. As of August 1995, Nguyen Ho was still living at his home in Ho Chi Minh City, under police surveillance.

### **Previous Crackdowns on Dissent**

The number of current political and religious prisoners in Vietnam is unknown. Vietnam does not permit regular monitoring of its penal system, nor does it release lists of those whom it imprisons or frees. The United Nations Working Group on Arbitrary Detention requested but did not receive statistics as to the number of prisons or prisoners in the country. It is believed that there are labor camps in every province of Vietnam, some of them complexes of several "satellite" camps. While some political and religious prisoners have been charged with national security crimes, as have other persons who opposed the government through violence, spurious common criminal charges are

sometimes laid against political detainees, such as "disturbing public order."

Despite the secrecy surrounding imprisonment, a significant number of cases are well-known and documented. One example is the *Freedom Forum* affair. In November and December 1990, the government arrested Dr. Doan Viet Hoat and other intellectuals for issuing an underground newsletter called *Freedom Forum* which contained a mixture of political commentary, news from abroad, and proposals for peaceful political reform. Dr. Hoat, who had been previously detained without trial for "reeducation" from 1976 to 1988, was convicted of "attempting to overthrow the government" and given a twenty-year sentence, later reduced to fifteen years. He is serving his sentence in solitary confinement at the remote Thanh Cam camp in Thanh Hoa province, having been transferred more than four times for sending out messages to the outside world. Others who were convicted at the trial include Pham Duc Kham, presently serving a twelve-year term at Cam Thuy Number 5 camp in Thanh Hoa province, not far from the Thanh Cam camp; Nguyen Van Thuan, sentenced to ten years at the trial of Nguyen Dan Que and eight years at the *Freedom Forum* trial, is hospitalized in Ho Chi Minh City since suffering a stroke in February 1994 in a labor camp; and Le Duc Vuong, serving a five year sentence and last known to be at the A20 Xuan Phuoc labor camp.

Another example is Dr. Nguyen Dan Que, an endocrinologist and the first member of the human rights organization Amnesty International in Vietnam, who was arrested on June 14, 1990 for issuing a public appeal for a pluralistic political system and respect for human rights. The appeal, which he signed in the name of the "High Tide Humanist Movement," in no way advocated violence; on the contrary, one of its calls was "to disband the war machine of Hanoi," which it charged was being used by the authorities "to repress the voice of the Vietnamese people." Dr. Que was sentenced on October 29, 1991 to a term of twenty years of imprisonment and five years house arrest. He is currently in solitary confinement at the Xuan Loc labor camp.

A list of sample cases of political and religious detainees appears as the Appendix to this report.

### **Conditions of Imprisonment**

Conditions of imprisonment in Vietnam continue to be poor, with heavy labor, malnutrition and grossly inadequate or nonexistent medical care all common. Prison rations have been reported by Thai prisoners as "mashed fish and edible leaves," and by Vietnamese prisoners as "rice mixed with salt water."<sup>25</sup> Medical care available at the camps typically consists of an orderly who dispenses aspirin. There also continue to be reports of abuses such as beatings, the use of dark cells, and punitive chaining of prisoners.<sup>26</sup> Such abuses constitute torture and degrading treatment and are forbidden by Vietnam's law on imprisonment and the International Covenant on Civil and Political Rights.<sup>27</sup>

Vietnam has so far been unwilling to open its prisons to regular monitoring or assistance from the outside. Normally, relatives of the imprisoned may visit periodically, and these visits are often essential to provide the prisoner with money to purchase food and medicine or other supplies. Without such gifts, the incarcerated are at risk to life and health. Prisoners are legally entitled to complain about unlawful treatment on the part of those "in charge of enforcing prison sentences or other relevant officials and organs."<sup>28</sup> However, where prisoners convicted of security offenses have made their complaints or criticisms of the government known to the outside world, the authorities have taken punitive measures, such as restricting family visits or placing the prisoner in solitary confinement. For example, Dr. Doan Viet Hoat and Dr. Nguyen Dan Que, both of whom issued statements from prison, were transferred from their places of detention and are now kept in solitary confinement, able to have brief visits with their relatives only sporadically.

Vietnam's invitation to the U.N. Working Group on Arbitrary Detention marked an important step forward in the government's willingness to open its penal system to view. The working group visited three labor camps in November 1994 under controlled conditions and reported "candid" interviews with prisoners and a "spirit of cooperation" on the

part of central authorities, although this spirit was not always shared by lower-level security officials in charge of the prisons. However, the delegation was denied access to pre-trial detention facilities. In its official report to the U.N. Human Rights Commission, the U.N. Working Group on Arbitrary Detention noted that Vietnamese officials unnecessarily withheld basic information such as the number and location of labor camps, prisons, and temporary detention centers; general statistics on detainees; the number of persons serving sentences in the prisons the group visited; and the categories to which these prisoners belonged. According to the group's report, this made it difficult "to understand the prevalent situation" and led "to the impression that the authorities concerned have something to hide." The group recommended as follow-up to their visit the development of training programs for judges and law-enforcement officials, and further visits, particularly to pre-trial detention facilities. The Working Group also suggested that the occasion of the twentieth anniversary of the reunification of Vietnam would be an appropriate time to "grant amnesty to persons still detained in camps for offences relating to the preceding period."<sup>29</sup>

## CONFLICTS WITH RELIGIOUS GROUPS

Hanoi's insistence on comprehensive control of religious organizations has created frictions with almost every faith in the country, even while the government has marginally loosened restrictions, allowing ordinary worship services and the participation of religious followers in social work. The section below outlines areas of conflict with the Unified Buddhist Church, once the largest Buddhist organization in south and central Vietnam, the Catholic Church, and Protestant evangelicals.

### Suppression of the Unified Buddhist Church

Buddhists in Vietnam have a long history of confronting the country's rulers on matters of principle. The 1963 demonstrations and self-immolations to protest the policies of the Diem government in South Vietnam led the majority of Buddhist sects in southern and central Vietnam to join together in a loose association known as the Unified Buddhist Church, which became the largest Buddhist organization in this overwhelmingly Buddhist country. Shortly after the communist government took power, it dismantled the church over the protests of some of its leaders, and amalgamated it into the Vietnam Buddhist Church, a state-created church which operates under the Fatherland Front, an official body assigned to mobilize mass organizations under the line of the Communist Party. The latest cycle of confrontation and repression began in 1992, when Unified Buddhist Church leader Thich Huyen Quang renewed public demands to the government to recognize the church and restore its property, to allow it and other religions to manage their religious affairs without government interference, and to release all religious and political prisoners.

Hanoi responded with interrogations, confiscations of Thich Huyen Quang's writings, and arrests, which in turn prompted new mass demonstrations by Buddhist supporters and yet further arrests. The self-immolation of a man at the tomb of the Supreme Patriarch of the Unified Buddhist Church on May 21, 1993 prompted the police to detain for questioning another senior monk, which in turn sparked a mass demonstration in the center of Hue on May 24. Four monks were convicted of "causing public disorder," among them Venerable Thich Tri Tuu, who appeared from police videotapes to have been either in police custody or unconscious throughout the demonstration. There was another confrontation between police and Buddhist followers on July 9, 1993 when government authorities attempted to evict Thich Hanh Duc, the senior monk of a Ba Ria-Vung Tau pagoda, resulting in his being arrested and sentenced to three years of imprisonment for "disturbing public order." On November 5-6, 1994, police arrested five Buddhists including one woman for planning an unauthorized flood relief mission on behalf of the Unified Buddhist Church. At least two dozen Buddhists have been detained since 1992, twelve of whom are known to be still in detention or under house arrest.<sup>30</sup>

In January 1995, police forcibly moved Venerable Thich Huyen Quang to a rural shrine about fifteen kilometers from Quang Ngai town, where he lives in a small one-room structure built and guarded by plainclothes and uniformed

police. According to the Vietnamese government he was moved because he "disturbed" other monks at the Hoi Phuoc pagoda, to which he had previously been confined. Venerable Thich Huyen Quang will be seventy-seven this year and suffers from high blood pressure for which he requires medical examination and regular medication. None of his followers have been allowed visit him or send him food or medicine, and there is grave concern for his health, which has visibly deteriorated since the move. Venerable Thich Huyen Quang has repeatedly asked that the authorities either give him a public trial or release him from detention.

Venerable Thich Quang Do, the sixty-eight year old secretary general of the Unified Buddhist Church, stood trial on August 14, 1995, along with the five Buddhists arrested for flood relief work in November 1994. At the one-day trial, the Ho Chi Minh City court sentenced Thich Quang Do to five years of imprisonment, Thich Khong Tanh to five years, Thich Nhat Ban to four years, Nhat Thuong, a Buddhist layman, to three years, and Thich Tri Luc to two and one-half years. Dong Ngoc, a lay Buddhist woman in poor health, asked for leniency and received a suspended sentence. The legal basis for the convictions is unclear. Thich Quang Do, the second most senior leader of the church, in August 1994 sent a letter to Communist Party leader Do Muoi questioning why Vietnam had declared a national day of mourning for the Korean leader Kim Il Sung and not for Buddhist martyrs. Attached to the letter was a forty-four page document accusing the Communist Party of grave abuses towards the Unified Buddhist Church. In October 1994, Thich Quang Do sent a letter to church followers instructing that their temples and offices should hang signs indicating their affiliation with the Unified Buddhist Church. Following the arrest of five members of the Unified Buddhist Church for attempting an independent flood relief mission, Thich Quang Do issued a protest, and his pagoda in Ho Chi Minh City came under intensified surveillance.

Thich Quang Do was arrested on January 4, 1995, a week after the leader of the church, Thich Huyen Quang, was confined under heavy police guard in Quang Ngai province. At this point virtually the entire leadership of the Unified Buddhist Church is in detention. No followers of Thich Huyen Quang or Thich Quang Do have been allowed to visit the elderly monks to bring them food or medicine.

The stand-off between the government and the church is causing tensions throughout Vietnam's Buddhist community, as members of the state-supported church come under pressure to denounce the Unified Buddhist Church.

### **Restrictions on the Catholic Church**

Vietnam has attempted to maintain control over the Catholic church by restricting activities of the clergy and insisting that the church seek approval for all clerical appointments. Vietnam did allow some high-level clerical positions (which had lain vacant for an extended period of time) to be filled last year, but only after the Vatican withdrew its nomination of Bishop Nguyen Van Thuan, a cousin of former South Vietnamese President Ngo Dinh Diem, to be the assistant archbishop of Ho Chi Minh City, and acceded to Hanoi's demand that it seek government approval for all such appointments. Even this consultative process stalled when the government rejected all four nominations of the Holy See in April 1995, including the candidate for archbishop adjudicator of Ho Chi Minh City. The Ministry of Religious Affairs now supports dropping direct negotiations with the Vatican in favor of negotiating with the Catholic Union Committee, a state-sponsored organization under the umbrella of the Fatherland Front.

In March 1994 the government declared that bishops and priests could travel freely within their dioceses, but their movement outside of these boundaries remains restricted. Sermons are subject to censorship, the training of new clergy is restricted, and church personnel are often under surveillance. Members of several Catholic movements that the government deems reactionary remain imprisoned.

### **Suppression of Protestant Groups**

The Christian Missionary Alliance of Vietnam, the only government-approved Protestant organization in the country, has enjoyed slightly greater freedom. However, a crackdown against ethnic Hmong converts in early 1994 demonstrated the government's continued intolerance for "house church" movements. Since 1989 a growing evangelical movement among the Hmong has reportedly claimed thousands of new converts in the northern provinces of Lai Chau, Ha Tuyen and Son La. Local Vietnamese authorities have reacted with some alarm (possibly confusing this religious movement with a prior Hmong messianic independence movement, the Chao Fa sect). We have received reports of numerous arrests, beatings, imprisonment and forced labor involving these converts. Most recently, the evangelical pastor Pham Quang Vinh was arrested and interrogated for eight days in April 1995 when he was preaching to Hmong in the far northern district of Lao Cai with a Korean pastor.

## **RECOMMENDATIONS**

### **Recommendations to the Government of the Socialist Republic of Vietnam:**

- 1) The government should uphold obligations under the International Covenant on Civil and Political Rights and Vietnam's 1992 Constitution to respect freedom of speech, of the press, of information, of assembly, of association, of peaceful demonstration, of belief, and of opinion. Persons who are detained for peacefully expressing religious or political views should be immediately and unconditionally released. The National Day amnesty planned for September 2, 1995 would be an appropriate occasion for such an action.
- 2) Domestic laws and regulations that impose restrictions on these rights, beyond the narrow limitations allowed in international law, should be revised. A priority should be revision of the Criminal Code's section on crimes against national security, as recommended by the U.N. Working Group on Arbitrary Detention, to eliminate ambiguities that permit application of these laws to persons who have only exercised their fundamental right to free expression.
- 3) The government must provide immediate and adequate medical treatment to all detainees and prisoners and permit independent medical access to those with serious health problems. This is urgent where detainees and prisoners are of an advanced age, such as Thich Huyen Quang or Hoang Minh Chinh, or where the person has a medical condition that requires diagnostic tests or medical supervision, such as Doan Viet Hoat, who suffers from serious chronic kidney problems, or Doan Thanh Liem, who has developed a serious pulmonary condition.
- 4) Vietnam should enforce its domestic prison law and adhere to the standards set forth in the U.N.'s Standard Minimum Rules for the Treatment of Prisoners to ensure that ill-treatment or torture of prisoners is abolished effectively, and that adequate and appropriate food, clothing and housing are provided to all who are detained. The government should initiate steps to allow greater transparency in the administration of prison facilities as recommended by the U.N. Working Group on Arbitrary Detention. One such step would be allowing regular visits by international humanitarian or nongovernmental organizations, and facilitating regular visits by the families of all those imprisoned, including pre-trial detainees. Vietnam should continue to engage the U.N. Working Group on Arbitrary Detention on follow-up visits and other technical assistance issues.

### **Recommendations to the International Community:**

- 1) The international community should urge Vietnam to release immediately all persons imprisoned or detained for peacefully exercising basic civil and political rights, including freedom of speech, association, assembly and religion. Foreign delegations and government representatives should continue to raise with Vietnamese officials both the cases of political and religious prisoners and the concerns outlined in this report.
- 2) The international community should support Vietnam's efforts to reform and build its legal system and should

continue to provide technical advice and aid for this effort. The world community should urge Vietnam to use this reform process to bring its laws into conformity with international human rights standards and to eliminate abuses of basic human rights that may occur through the implementation of the laws.

3) The international community should assist Vietnam in realizing greater transparency for its legal and penal systems, as recommended by the U.N. Working Group on Arbitrary Detention, through requesting that outside observers have access to trials, prisons, labor camps, and jails and persons who are consigned to other forms of detention such as Buddhists who are confined to pagodas.

4) Foreign aid donors and international financial institutions including the World Bank should use opportunities such as the November 1995 donor consultative meeting in Paris to urge the Vietnamese government to take concrete steps in providing greater transparency and accountability. They should point to the need for an independent and impartial legal system and the government's tolerance of free speech, independent associations and a free press. Aid donors should urge the Vietnamese government to allow nongovernmental associations, including religious organizations, to participate in social work, relief efforts and development activities.

5) The international community should urge Vietnam to ratify ILO Convention 87 which recognizes freedom of association and the protection of the right to organize on behalf of workers. Vietnam should be urged to amend its labor laws to permit workers to form unions freely and confederate with labor organizations of their own choosing. Programs that provide investment credits and guarantees, such as those offered to U.S. companies by the Overseas Private Investment Corporation (OPIC), should be strictly conditioned on Vietnam's taking steps to adopt and implement laws to extend internationally recognized worker rights.

6) As Vietnam's largest bilateral aid donor, Japan has a particular responsibility to promote human rights. Human rights is set forth as a "guiding principle" in its Official Development Assistance program. While Japan has provided some \$543 million in aid to Vietnam in 1993 alone, high-level officials have maintained public silence on this issue. Japan should call on Vietnam to implement the recommendations of the U.N. Working Group on Arbitrary Detention and contribute to improving the transparency and quality of Vietnam's penal and judicial system by requesting to observe trials, supporting law reform in areas relevant to human rights, and urging the release of peaceful dissidents.

7) In July 1995, the European Council signed a Cooperation Agreement with Vietnam in which both countries grant each other preferential tariff treatment as most-favored nations, among other provisions. Article 1 of that agreement states: "Respect for human rights and democratic principles is the basis for the cooperation between the Contracting Parties and the provisions of this Agreement, and it constitutes an essential element of the Agreement." Human Rights Watch urges the European Parliament to consider Vietnam's continuing imprisonment of persons for peaceful dissent at the time of ratification of this agreement. The European Council and the European Commission should undertake to specify how continuing abuses of civil and political rights will affect cooperation under this agreement, in particular, the pace and progress of economic cooperation.

8) Foreign investors should undertake to respect both Vietnam's labor laws and international labor standards and urge Vietnam to recognize and protect internationally recognized worker rights. Those doing business with Vietnam should urge the development of an independent and impartial legal system, under which fundamental civil and political rights shall be guaranteed to both citizens and non-citizens alike.

## **Appendix**

### **Sample Cases of Political and Religious Prisoners**

*The following forty names represent only a fraction of documented cases of imprisonment for political and religious dissent. The names of hundreds of prisoners in labor camps on national security charges have been reported by overseas organizations, and it is impossible to verify in many cases whether the individual was imprisoned for peaceful activities. Many other religious and political prisoners may be unknown, and some may be charged with common criminal offenses. The government of Vietnam does not report the numbers or names of those imprisoned, or allow regular monitoring of its prisons and jails by outside organizations.*

- **Thich Huyen Quang**, the seventy-seven-year-old acting Supreme Patriarch of the Unified Buddhist Church, may be put on trial soon on national security charges, according to an official Voice of Vietnam broadcast on August 16, 1995, along with **Thich Long Tri**, another senior church official who is under house arrest in the Vien Giac Pagoda in Hoi An, near Danang. Thich Long Tri, appointed the chairman of a Unified Buddhist Church flood relief mission, was arrested on October 29, 1994, when he arrived in Ho Chi Minh City to begin preparations. Although the Vietnamese government has denied he is under arrest, Thich Huyen Quang has been held under police guard at the Quang Phuoc shrine in Nghia Hanh district of Quang Ngai province. Thich Huyen Quang was previously arrested in 1982, when he was sent into internal exile at the Hoi Phuoc pagoda in Quang Ngai province for protesting the establishment of the state-sponsored Vietnam Buddhist Church. Police moved him to a more isolated temple in Nghia Hanh, Quang Ngai on December 29, 1994 after he began a hunger strike to protest the detention of a group of Buddhists in Ho Chi Minh City. Since November of last year, Thich Huyen Quang has been denied visitors and doctors and has been unable to receive medicine for his high blood pressure.

- **Thich Quang Do**, sixty-eight-year-old writer, historian, and General Secretary of the Unified Buddhist Church, has been sentenced to five years of imprisonment on national security charges of "undermining the policy of unity," for publishing a lengthy critique of the abuses of the Communist Party against Buddhists in Vietnam, for urging followers to hang signs outside their offices and temples naming their affiliation with the church, and for supporting flood relief efforts. Five other Buddhists involved in the 1994 flood relief mission were convicted with him at the April 14, 1995 trial. Four received prison sentences, among them **Thich Khong Tanh** who was sentenced to five years, **Thich Nhat Ban** who was sentenced to four years, **Nhat Thuong**, a Buddhist layman, who was sentenced to three years, and **Thich Tri Luc** who was sentenced to two and one-half years. Prior to the trial, it was reported that Venerable Thich Quang Do had been held for a time under police guard at the Vu Ban pagoda in Nam Dinh province, after five months of detention in Ho Chi Minh City. He was previously arrested in April 1977, along with Thich Huyen Quang and four other church leaders, for protesting the government's confiscation of church properties. He was re-arrested in February 1982 and forced into internal exile at the Thien Vien pagoda in his native village of Vu Doai in Thai Binh province. In mid-1992, after a decade in exile, he returned to the Thanh Minh pagoda in Ho Chi Minh City and eventually resumed his calls for the reestablishment of the Unified Buddhist Church, and supported flood relief work in its name. Police took him into custody at the Thanh Minh pagoda on January 4, 1995.

- **Thich Tri Tuu**, the senior monk of the Linh Mu pagoda in Hue and a close disciple of the late Supreme Patriarch of the Unified Buddhist Church, is serving a four-year sentence on charges of "public disorder" at the Ba Sao prison camp, Nam Ha, Phu Ly province, in conjunction with the May 1993 protest in Hue. At the time of the demonstration, Venerable Thich Tri Tuu was being held in police custody, and police refused to let Buddhist monks who began the protests see him or talk to him. The crowd later saw him slumped in the back of a police vehicle, stopped the vehicle and extracted him from it (he had apparently fainted). He was placed, unconscious, into a *cyclo-pousse* which carried him back to his temple as the protest continued and certain persons in the crowd set the police vehicle on fire. Also still imprisoned at the Ba Sao camp on public disorder charges stemming from this protest are **Thich Hai Tang**, **Thich Hai Thinh**. **Thich Hai Chanh** was released, but not allowed to return to his residence at the Linh Mu pagoda in Hue and has been obliged to move to a pagoda in Quang Tri province.

- **Thich Hanh Duc**, appointed by the state-sponsored church to be abbot of the Son Linh pagoda of Ba Ria-Vung Tau

in 1982, was arrested in July 1993 when police attempted to enter the pagoda and a violent confrontation ensued. The Fatherland Front and the provincial people's committee issued an eviction order against Thich Hanh Duc and other monks after the senior monk publicly read an oration of Thich Huyen Quang and expressed support for the restoration of the Unified Buddhist Church. In February 1993, the provincial committee of the state-sponsored church expelled him from the church for "violating the principles of Vietnamese Buddhism." Police and Buddhist followers accuse each other of initiating the violence. Thich Hanh Duc was ultimately sentenced to three years of imprisonment for "crimes against on-duty officials" and "handing out documents hostile to the socialist government of Vietnam;" he was last known to be detained at the Phuoc Co prison in Ba Ria-Vung Tau.

· **Nguyen Dinh Huy** and eight other members of the "Movement to Unite the People and Build Democracy" were tried in Ho Chi Minh City on April 11 and 12, 1995. According to the Vietnam News Agency, the defendants were convicted of "acting to overthrow the people's government" for having produced political manifestos and other documents. The movement had stated its aims were to promote peaceful political change and free elections, and it had attempted to organize a conference in Ho Chi Minh City on development and democracy before the government cracked down on these plans in November 1994. The men were sentenced as follows: Nguyen Dinh Huy, the leader of the movement, to fifteen years; **Pham Tuong**, a deputy leader, to fourteen years; **Nguyen Ngoc Tan**, also known by the pen name "Pham Thai," to eleven years; **Dong Tuy**, a teacher, to eleven years; **Bui Kim Dinh**, to twelve years; **Nguyen Van Bien**, to eight years; **Nguyen Van Chau**, to four years; **Nguyen Tan Tri**, an American citizen, to seven years; and **Trung Quang Liem**, also an American citizen, to four years.

· **Do Trung Hieu**, formerly a Communist Party cadre in charge of religious affairs in Ho Chi Minh City and now a private businessman, was detained by police in Ho Chi Minh City on June 14, 1995. Hieu had written and circulated an autobiographical essay describing the Party's efforts to dismantle the Unified Buddhist Church after the war out of fear that its influence and following would spread throughout Vietnam. Hieu has reportedly been transferred to Hanoi for questioning, but his whereabouts have not been confirmed. Do Trung Hieu was previously arrested in 1990 for associating with Michael Morrow, an American businessman who was expelled from Vietnam; on that occasion, Hieu was released after a short detention.

· **Hoang Minh Chinh**, a well-known communist intellectual, was also detained in Hanoi on June 14, 1995. This was his third detention for criticizing Party policy; he had previously been arrested for advocating "revisionist" lines in 1967 and 1981. The cause of the latest detention appears to be petitions he sent to the highest levels of the Party demanding that his name be cleared for his previous jailings, and his questioning the propriety of the constitutional provision that enshrines the leading role of the Vietnam Communist Party. He is believed to be in his seventies.

· **Doan Thanh Liem**, a law professor who was educated in the United States, is serving a twelve-year sentence for "counterrevolutionary propaganda," that is, notes he had prepared on constitutional reform. He was arrested in April 1990 for his association with Michael Morrow, Dick Hughes and Don Luce. He knew all three Americans from his participation in a well-known Saigon charity, the Shoeshine Boys. Liem, held in the Ham Tan camp, has developed a serious pulmonary condition in prison that is often associated with tuberculosis. Senator Tom Harkin's request to meet with Liem was denied during his July 1995 visit.

· **Nguyen Tri**, also known as Truong Hung Thai, was sentenced to eight years at the trial of Doan Thanh Liem, above, for having helped Liem purchase a typewriter and having received from Liem two documents the official press described as "anti-communist". A poet, he is also a former reeducation camp prisoner.

· **Doan Viet Hoat**, one of Vietnam's most prominent political prisoners, was transferred abruptly among three different prisons last year, ending up in the Thanh Cam camp, a facility for common criminals in a remote and malarial part of Thanh Hoa province. Arrested in November 1990, Dr. Hoat was given a fifteen-year sentence on charges of

"attempting to overthrow the government" for producing the reformist newsletter *Freedom Forum*. His transfers seem to have come in reaction to public statements which he has periodically been able to release since his initial detention. The move to Thanh Cam has isolated him from the outside world, and he is allowed only limited communication with his family. Dr. Hoat suffers from a kidney disorder. Following a visit early this April, the first by a family member in close to nine months, Dr. Hoat's brother reported that his health condition had improved. However, his isolation continues to make it extremely difficult for his family to provide for his medical needs and ensure his good treatment.

- **Pham Duc Kham**, tried with Dr. Hoat for the *Freedom Forum* affair, was sentenced to sixteen years of imprisonment (later reduced to just under twelve years) for his participation. He was transferred in November 1994 from the Xuan Phuoc labor camp in Phu Yen province to the Cam Thuy camp Number 5, not far from the Thanh Cam camp in a remote part of Thanh Hoa province.

- **Le Duc Vuong**, tried with Dr. Hoat for the *Freedom Forum* affair, was sentenced to a five-year term. He was last known to be performing hard labor at the A20 camp in Xuan Phuoc.

- **Dr. Nguyen Dan Que**, an endocrinologist who was sentenced in 1991 to twenty years of imprisonment on charges of "attempting to overthrow the government" for publicly signing a declaration calling for political reform and respect for human rights, is reported to be in fair health, having received some medication for a kidney stone. Dr. Que has been held in isolation at Xuan Loc prison camp for nearly two years, following the Vietnamese government's unwillingness to allow U.S. Sen. Charles Robb to meet him. His wife is sporadically allowed to visit him.

- **Nguyen Van Thuan**, a defendant at both the *Freedom Forum* trial and the trial of Dr. Nguyen Dan Que, suffered a paralyzing stroke on February 15, 1994 at the Ham Tan labor camp, and was admitted three days later to a hospital in Ho Chi Minh City. He has partially recovered from his paralysis and is periodically allowed to visit his home, although he is still under threat of being sent back to labor camp. Nguyen Van Thuan, arrested in November 1990, was sentenced to a ten-year term at the same time as Dr. Nguyen Dan Que, and received an additional twelve year term, later reduced to eight years, at the *Freedom Forum* trial.

- **Do Van Thac**, a former sergeant in the South Vietnamese army, was arrested with five other members of the opposition Dai Viet Duy Dan (People's Party) on July 9, 1991. In January 1992, a court in Hanoi sentenced Do Van Thac to fourteen years' imprisonment (later commuted to twelve years) on charges of "attempting to overthrow the government," apparently for circulating writings describing the People's Party and calling for political and economic reform. The five other defendants received sentences ranging from four to twelve years on the same charges. Do Van Thac, who is in his late sixties, suffered a stroke in February 1994 at the Ba Sao prison camp in Phu Ly, Nam Ha province, where he remains imprisoned. Mr. Thac is also suffers from heart disease and high blood pressure. His brother **Do Van Hung**, who received a twelve-year sentence (later commuted to eleven years) at the January 1991 trial, is also reported to be in poor health.

- **Pious Vu Thanh, Dat Hai, Paul Nguyen Chau Dat**, and five other members of the Congregation of the Mother Co-Redemptrix remain in prison. On May 15, 1987, these persons, along with Father Dominic Tran Dinh Thu and approximately sixty other Catholic clergy and laypersons were arrested when authorities raided the compound of the order founded by Father Dominic. During the raid, authorities seized rice stocks from the community and religious literature, causing people from the surrounding area to defend the congregation (and their rice stocks) with improvised arms. Pious Vu Thanh Dat Hai, Paul Nguyen Chau Dat and twenty others were tried on October 30, 1987 and convicted of "sowing disunity between the people and the government." Pious Vu Thanh Dat Hai was sentenced to ten years of imprisonment and three years of suppression of civil rights, and is now in the Long Khanh prison camp. Paul Nguyen Chau Dat was given a twenty-year term, which he is also serving in Long Khanh. **Nguyen Van Thin Quan** is serving a sixteen-year sentence in the Ham tan camp; **Mai Duc Chuong Nghi** is serving an eighteen-year term in a Thanh Hoa

province labor camp; **Dinh Viet Hieu Thuc** is serving a fourteen-year sentence in the Long Khanh prison camp; **Pham Ngoc Lien Tri** is serving a twenty-year term at the Long Khanh camp, and **Nguyen Thien Phung Huan** is also serving a twenty-year term at Long Khanh.

· **Pastor Nguyen Duc Loi** and **Pastor Nguyen Van Vui** are reported to have been arrested on November 20, 1994 when proselytizing among the ethnic Hre minority in Quang Ngai province. According to unconfirmed local sources, the two have been accused of pursuing political activities under the guise of religion, and after their arrest officials ordered local Christians to cease all religious activities, including prayer meetings.

\* \* \* \* \*

### *Human Rights Watch/Asia*

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Robert Kimzey, publications director; Jeri Laber, special advisor; Gara LaMarche, associate director; Lotte Leicht, Brussels Office Director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; Joanna Weschler, United Nations representative; and Derrick Wong, finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Jeannine Guthrie is NGO Liaison; Dinah PoKempner is Counsel; Patricia Gossman and Zunetta Liddell are research associates; Mark Girouard and Shu-Ju Ada Cheng are Henry R. Luce Fellows; Diana Tai-Feng Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant. Andrew J. Nathan is chair of the advisory committee and Orville Schell is vice chair.

1 As a point of terminology, it should be noted that "reeducation" is still Vietnam's penal philosophy, and "reeducation camps" are simply Vietnam's prison system, i.e. labor camps.

2 "Article Views Criticism of Human Rights Record," FBIS-EAS-95-147 August 1, 1995, reprinting and translating Hoang Huan, "The Unrelaxed Grip of Orangutans," *Quan Doi Nhan Dan*, July 1, 1995.

3 1993 Publishing Law, Article 1.2.

4 Ibid., Article 9.

5 1993 Law on Enforcing Imprisonment, Article 4.

6 Ibid., Article 10.

7 Ibid., Article 27.

8 Ibid., Article 26.

9 Ibid., Article 28.

10 1992 Constitution, Article 70.

11 Ibid.

12 "Trade Unions to be Set Up in All Vietnam's Non-state Firms," Agence France-Presse January 23, 1995, citing report by Vietnam News Agency. Reports of strikes in the official press generally concern strikes at foreign joint-ventures; it is not known to what extent labor unrest affects state-sector industries.

13 Ibid., citing November 1994 news conference by Dau Ngoc Xuan, chairman of the State Committee for Cooperation and Investment.

14 The wages set, approximately US \$35 per month in Ho Chi Minh City and Hanoi, and \$30 per month elsewhere, are lower than the \$40-\$50 per month level advocated by the official Vietnam Confederation of Labor. "Foreign Investors Must Pay Minimum Wage," Reuters World Service, January 18, 1995.

15 1994 Labor Code, Article 174.

16 Ibid., Article 176.

17 Ibid., Article 175.

18 Ibid., Article 153; the law came into effect January 1, 1995.

19 Trade Union Law of 1990, Article 1 and 2.

20 ILO Convention 87 Article 3 provides that workers have the right "to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization."

21 Nayan Chandha and Murray Hiebert, "Hawks and Eagles," *Far Eastern Economic Review*, December 9, 1993.

22 Movement to Unite the People and Build Democracy, "Declaration" issued in Vietnam July 16, 1992; English translation on file at Human Rights Watch.

23 Paul Quinn-Judge, "Leading Government Critics Kept in Detention in Vietnam," *The Boston Globe*, August 5, 1995, p. 2.

24 Nguyen Ho, "The Solution of Reconciliation and Harmony," June 11, 1995, published in *Thoi Luan* (Los Angeles, California), translated by Human Rights Watch/Asia.

25 Mani Sivayaviraj, "Fishermen return from 'hell prisons,'" *The Nation* (Bangkok), December 26, 1993; also Pham Van Thanh, "White Paper," July 25, 1994, an account of conditions in the A20 labor camp in Phu Yen province by a Vietnamese resident of France who is serving a twelve-year prison sentence for "activities aimed at overthrowing the people's government."

26 Mani Sivayaviraj, "Fishermen..." (quoting prisoner: "Wardens would lock prisoners up with No. 5 chain, which is very heavy, and those unfortunate people would then be shoved into a darkened cell for seven days as punishment"); Pham Van Thanh, "White Paper" ("Almost all the political prisoners detained here [A20 camp, Phu Yen province] over

the past nineteen years have been beaten like animals. I saw a whole group of security guards surrounding a prisoner at the camp's entrance, beating him repeatedly over the head with their rifle-butts"); Doan Viet Hoat, Tran Tu, Ly Tong and Tran Manh Quynh, "Protest Letter Regarding Treatment of Prisoners," Ba Sao Camp, April 1, 1994, English translation on file at Human Rights Watch/Asia ("There are many cases where the cadres beat prisoners, sometimes using canes and rods, and force prisoners to serve them.").

27 1993 Law on Enforcing Imprisonment, Article 4 ("All forms of torture or insulting the reputation and dignity of those serving a prison term are strictly prohibited."); International Covenant on Civil and Political Rights, Article 7 ("No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.").

28 Ibid., Article 26 ("Prisoners can complain about or denounce any individual or organ in charge of enforcing prison sentences or other relevant officials and organs for their illegal decisions or actions.").

29 Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, Working Group on Arbitrary Detention Visit to Vietnam, para. 83, E/CN.4/1995/31/Add.4, December 21, 1994.

30 For a detailed account of the conflict with the Unified Buddhist Church, and a list of recent Buddhist prisoners arrested in these confrontations, see Human Rights Watch/Asia, "Vietnam: The Suppression of the Unified Buddhist Church," *A Human Rights Watch Short Report*, vol. 7, no. 4, March 1995.